

Functions:

Parental Concerns

- Text box

Eligibility Determination

- The date of determination sets timers
- Collects rationale for determination (to feed written notice)
- Eligibility areas limited to those that were evaluated

Special Considerations

- Limited English proficiency
- Communication needs, if Deaf/Hard of Hearing (DHH) or Deaf Blind (DB)
- Braille needs if Blind/Low Vision (BVI) or Deaf Blind (DB)

Behavioral Considerations

- Prompt to consider if behavior impedes the learning of self or others
- Prompts for components of the behavior intervention plan (BIP)
- Option to upload BIP if different from state structure
- If the purpose of the case conference committee meeting is manifestation determination, the two prompts and resulting logic appear here.

Article 7 functions:

7-40-6
7-42-7(b)
7-42-6(c)(1)
7-42-6(c)(3)
7-42-6(c)(4)
7-42-6(c)(5)
7-44-5
7-42-6(c)(2)
7-42-6(b)2

Eligibility

Parental Concerns

Determine Eligibility

Please describe the concerns of the parent for enhancing the education of the student.

☐ The parent has provided written revocation of consent for special education services.

Once the data has been presented at the case conference committee meeting, it is important to record any concerns of the parent. If the parent has chosen to revoke consent that option is displayed here along with a prompt to upload the documentation. If checked and saved the tabs that lead to the other decisions within the case conference are no longer available.

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The case conference committee has determined that the student's disability adversely affects the student's educational performance.

☐ Yes ☐ No

Please describe the reasons for eligibility determination including the other options considered and reasons these options were rejected.

Next, the CCC must consider if the student's disability adversely affects the student's educational performance. Note that it is entirely conceivable that a student with a disability could be found not to be eligible for special education services if it is determined that the disability does not adversely affect the student's educational performance. Being disabled and being eligible for special education are two different things. This is the page where that distinction is considered.

The user is prompted with the reasons for the determination. If the case conference committee determines that the answer is "no" to the statement: "The student's disability adversely affects the student's educational performance", then the tabs that would lead to the other decisions within the case conference are no longer available.

However, if the student is determined eligible, the system prompts for the recording of the primary disability, and secondary disabilities if relevant. If new evaluation information was presented as an initial or reevaluation conference, the eligibility category can be changed. Otherwise, these are locked down. To prevent the finding of eligibility for a category for which the student was not properly tested, the selection of the eligibility area(s) is limited only to the disability or disabilities that were selected in the eligibility area(s) screen under the evaluation tab. Only one primary disability can be selected while multiple secondary disabilities can be designated.

Please select the area(s) of determined eligibility below:

Primary Disability

- ☐ Emotional Disability
☒ Specific Learning Disability
☐ Language Impairment

Secondary Disability

- ☒ Emotional Disability
☐ Specific Learning Disability
☒ Language Impairment

The case conference committee has determined that the student's disability adversely affects the student's educational performance.

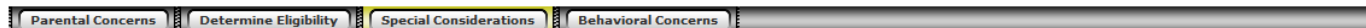
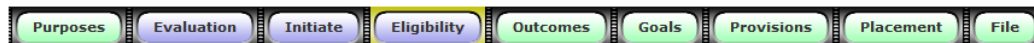
☒ Yes ☐ No

Initial Date of Eligibility:

8/2/2008

With an initial eligibility determination, the system will prompt for the initial date of eligibility. This date, the date the CCC determined the student is eligible, will be used at the benchmark for reevaluation anniversary dates.

Eligibility



There are language needs related to Limited English Proficiency.

☐ Yes ☒ No

There are considerations regarding the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

☐ Yes ☒ No

There are considerations regarding the instruction in Braille and the use of Braille.

☒ Yes ☐ No

Please describe the considerations regarding Braille:

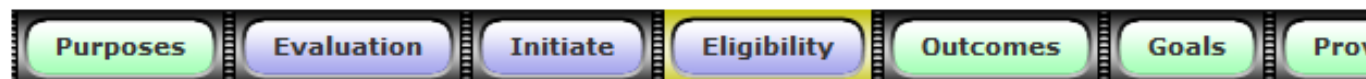
When there are considerations, the interface prompts the user to describe the considerations.

The third tab under eligibility addresses special considerations. For all students, the question will be presented regarding limited English proficiency and impeding behaviors.

The next prompt only appears if the student is eligible under DHH (deaf or hard of hearing) or DB (deaf blind).

The third prompt only appears if the student is eligible under BLV (blind or low vision) or DB (deaf blind).

If any of these special considerations are marked with a "yes", a text box will appear and prompt the user to record the needs related to that question.



The behavior of the student impedes his or her learning or that of others.

☐ Yes ☒ No

The final special consideration addressed behavioral concerns. If it is indicated that the behavior of the student does not impede learning, then no further prompts will appear on this page.

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If it is indicated that the behavior of the student does impede the learning of the student or others, then three additional text boxes will require content. Note that a behavior intervention plan (BIP) is defined as requiring the information that is prompted by the three text boxes. These considerations constitute the components of a BIP in combination with data to support the hypothesis of the function of the behavior and positive strategies or support services that are needed. Likely, there will be an annual goal related to developing behavioral skills. However, if the local leadership has a specific BIP that goes beyond these basic requirements, that form could be uploaded in the documentation of the case conference committee report.

The behavior of the student impedes his or her learning or that of others.

☒ Yes ☐ No

An IEP is a BIP if the following prompts are comprehensively addressed:

Please describe the behavior that impedes his or her learning or that of others:

Behavior that impedes his or her learning or that of others

Please describe the patterns of concerning behaviors:

Functions of the behavior

Please include evidence of factors affecting behavior:

Positive strategies/Instructional Experiences

Please articulate the plan for providing behavioral support / intervention:

Prompts following the text box allow for the entitling of a goal which will appear for completion under the goals section. There are also prompts which encourage the user to consider special education and related services that might be necessary to support positive student behavior.

An annual goal designed to address behavior skill development is indicated at this time.

☐ Yes ☐ No


The behavioral intervention plan requires the provision of special education services.

☐ Yes ☒ No

The behavioral intervention plan requires the provision of related services.

☒ Yes ☐ No

Service/Description:

Description	Initiation	Frequency	Length	Duration	Location
  Bus Monitor	August 12, 2008	daily	20 minutes	June 15, 2009	on the bus

Select Goal

☒ Entitle a New Goal

Goal Title:

 Save

 Cancel

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Behavioral Concerns

Please describe the alleged misconduct and the action taken as the result of the misconduct

The conduct in question was caused by, or had a direct and substantial relationship to the student's disability.

☐ Yes ☐ No

The conduct in question was not the direct result of the public agency's failure to implement the student's individualized education program.

☐ Yes ☐ No

Additional findings regarding manifestation determination:

In the circumstance where the purpose of the case conference committee meeting has been indicated to be "manifestation determination", the behavioral considerations tab will serve to record the decisions of the case conference committee. First, the alleged misconduct and resulting action must be recorded.

Two questions are then presented. Based on the answer to the questions, a statement will appear to declare if the behavior was a manifestation of the disability. If both questions are answered with "no", the committee has concluded that the conduct is not a manifestation of the student's disability and the disciplinary procedures apply to the student. If one or both of the questions are answered with "yes", the committee has concluded that the conduct is a manifestation of the student's disability and therefore a BIP is required.

Even if the conduct is not a manifestation of the disability, if the behavior is determined to be impeding the learning of the student or others, behavior intervention components are available.

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The conduct in question was caused by, or had a direct and substantial relationship to the student's disability.

ABG

The conduct in question was caused by, or had a direct and substantial relationship to the student's disability.

☐ Yes ☒ No

The conduct in question was not the direct result of the public agency's failure to implement the student's individualized education program.

☐ Yes ☒ No

The conduct has been determined not to be a manifestation of the student's disability and therefore disciplinary procedures apply to the student. The student will continue to receive appropriate services.

Additional findings regarding manifestation determination:

ABG

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Behavioral Concerns

The conduct in question was caused by, or had a direct and substantial relationship to the student's disability.

ABG

The conduct in question was caused by, or had a direct and substantial relationship to the student's disability.

☒ Yes ☐ No

The conduct in question was not the direct result of the public agency's failure to implement the student's individualized education program.

☒ Yes ☐ No

The conduct has been determined to be a manifestation of the student's disability

Additional findings regarding manifestation determination:

ABG

Determining Eligibility

Q: If a parent presents a doctor's note as evidence that the student has a disability, does this automatically make the student eligible for special education and related services?

A: Not all students who have a disabling condition require special education as a result of their disability. The first step of the multidisciplinary team is to determine if the student has a disability. The second step, however, is to determine whether this disability adversely affects educational performance as defined in 511 IAC 7-32-5.

To make this determination, it must be agreed upon that the student's disability has a consistent and significant negative impact on the student's academic achievement, functional performance, or both.

If a student is benefiting from general education without special education interventions, then the case conference committee may determine that the student is not eligible for special education services even if there is evidence that a disability exists.

Q: Is an independent evaluation more professionally valid for eligibility determinations than teacher input?

A: Although each legal ruling is relevant to the specific details of the case, there are plenty of court findings that represent a heavy reliance on the testimony of teachers in comparison to outside experts with limited exposure to the student.

Independent evaluations can offer valuable additional information. However, eligibility determinations should involve as much quality data contributed by school staff as possible. This includes documented observations, assessment results, and intervention data.

It is important that teachers and other service providers develop confidence in their ability to measure and communicate educational progress. Regular scientific, research-based record keeping from a professional working with a student on a daily basis is invaluable.

Behavior Intervention Plan

Q: Is an FBA required in order to complete a BIP?

A: Discussion in the Federal Register on page 46683, points to specific language in §300.324(a)(2)(i) which "focuses on interventions and strategies, not assessments, to address the needs of a child whose behavior impedes the child's learning or that of others. Therefore, while conducting a functional behavioral assessment typically precedes developing positive behavioral intervention strategies," this language was not determined appropriate to include in the federal regulations.

In Article 7, a BIP must describe the function of the behavior as identified in an FBA. An FBA is defined as a process that uses data to identify patterns in a student's behavior and the purpose or function of that behavior for the student. Therefore, although an FBA or BIP "form" is not required, the elements of this process must be present in concert.

Q: My special education director has told me that I must upload a district behavior intervention plan form. Is that correct?

A: Local leadership has the responsibility to establish local policy and supervise staff. It would be ill-advised not to follow the directions of your supervisors.

The State has identified three criteria that define a Behavior Intervention Plan. Regulations specifically permit the IEP to serve as the BIP if these three criteria are addressed in the IEP.

The criteria are prompted whenever it is indicated that the behavior of the student impedes the learning of self or others. Therefore, you are meeting the compliance requirement by completing these prompts.

However, developing quality content is another matter and is likely the intended outcome of the additional forms that have been required of you. The software is built to assure minimum compliance without restricting more comprehensive practices or discouraging local initiative.

Functional Behavior Analysis / Behavior Intervention Plan

Q: When is an FBA / BIP required?

A: In 7-44-5(e), if the case conference committee determines that the conduct was a manifestation of the student's disability, the student's case conference committee must either:

(A) conduct a functional behavioral assessment, unless the public agency had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or

(B) if a behavioral intervention plan already has been developed, review the behavioral intervention plan and modify it, as necessary, to address the behavior.

In IDEA, §300.324(a)(2)(i), it explains that the IEP team must..."In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavior interventions and supports, and other strategies, to address that behavior."

The case conference committee must consider positive behavioral interventions and supports and other strategies to address any of the student's behaviors that impede the student's learning or the learning of others. By definition, this is a component of a BIP. Once a student is in a suspension crisis, it may become regrettably apparent that a proactive strategy would have been more effective for the benefit of the student.

In response to comments posted requesting clarification as to what constitutes a BIP, an explanation in the federal register made it clear that the BIP should be integral to the IEP process. If the components of the BIP are embedded in the IEP, then the IEP is the Behavior Intervention Plan.

Eligibility Reconsideration

Q: Why do we need to reestablish eligibility?

A: Eligibility does not need to be reestablished unless the parent and the school agree that there is a question of eligibility status.

Q: Now that there are new eligibility criteria, do we need to reevaluate students to correct the eligibility categories and determine if the students continue to be eligible for special education?

A: This is generally speaking an unnecessary burden to multidisciplinary teams and fairly meaningless activity in general.

The fundamental question continues to be, "Does the student's disability adversely affect the student's educational performance?" It really does not matter the category of disability to which a student is found eligible. The student is entitled to any services and supports that are related to his or her needs.

Q: If a student's disability does not adversely affect his educational performance because of existing accommodations, does he continue to be eligible for special education?

A: It is important to consider the impact of existing accommodations and other services, including private providers, when discerning special education needs. Evidence that the student would struggle or regress in the absence of these services would support a determination that the student continues to be eligible for special education.

Parental Concerns

Q: How can I prepare for addressing parental concerns?

A: The key to any relationship is trust. Earning and maintaining trust requires ongoing, honest communication.

Foundational to trust is the ability to listen. The part of the CCC meeting where parental concerns are recorded is an excellent opportunity to hear what the parent is saying and feeling. Despite the urge to get through the meeting as quickly as possible, it is often worth the investment to be patient and give the parent time to process an understanding of the issues.

Keep in mind that accepting a disability follows a pattern similar to grieving, including denial, anger, bargaining, and depression. Even the most accepting parent may show signs of any of these stages now and then so it is advisable to resist taking this personally. Respect the perspective of the parent and honor his or her issues, whether or not you know what it feels like to parent a child with a disability.

It is essential to provide the parent with a sense of confidence that the school team is qualified and dedicated to serving the child. This includes honesty regarding the need to learn more about particular issues. There is a delicate balance between demonstrating expertise and respecting the knowledge that the parent brings to the discussion.

Take time before the conference to outline your thoughts. Use plain, everyday language. Prepare the rationale sections of the IEP so that they are easy to understand and well supported. Avoid saying emotional things that are not going to encourage collaboration and may even set you up for a legitimate finding against the school, like “We have determined that your child is disabled and we are putting him in Mr. Ron’s room” or “We don’t do (whatever) here”.

Keep your promises to the parents. This involves not only the specifics in the IEP like the provision of services and progress reports, but also the assurances of communication and availability.

Establish and provide parent resources including links to state and national resources. If there are local organizations or meetings that are relevant to the needs of the child, give that information to the parent. A well-informed parent group can help parents become more accepting and more involved in positive action.

Take steps to provide evidence that the plan for the child has been tailored to the individual needs of the child. It is undesirable to label children and then give all children with that label the same program and services.

Demonstrate an honest “can-do” attitude that includes an explanation of not only what has been effective but also what could be done better. Include the parent in the process of developing new strategies to improve effectiveness with the child.

Parents who believe that the school personnel are knowledgeable and dedicated to serving their child are far less likely to be concerned with the particulars of regulation. Disenfranchised parents are more likely to find fault in the work of the school. Trust established between the parent and the school can be more valuable than a whole file cabinet filled with accurate procedural manuals and properly completed forms.

Now that Article 7 no longer requires written consent for revising the IEP, the skills involved in working meaningfully and thoughtfully with parents become even more important. As much as possible, consider the parent an equal partner in information gathering, decision making, implementation, and analysis of results.

